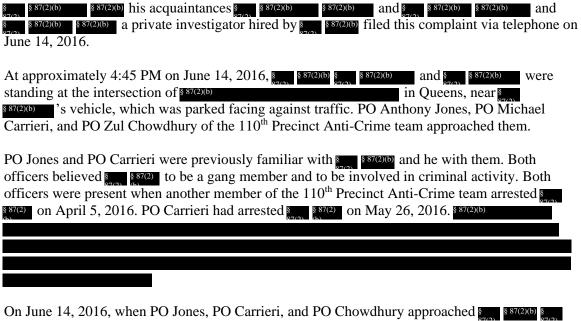
CCRB INVESTIGATIVE RECOMMENDATION

| Investigator: | | Team: | CCRB Case #: | | Force | V | Discourt. | ☐ U.S. |
|-----------------------------|--|---|-------------------------|--------|------------|-------|--------------|------------|
| Samuel Ross | | Squad #1 | 201605136 | Ø | Abuse | | O.L. | ☐ Injury |
| Incident Date(s) | | Location of Incident: | • | F | Precinct: | 18 | Mo. SOL | EO SOL |
| Tuesday, 06/14/2016 4:45 PM | | § 87(2)(b) | | | 110 | 12 | 2/14/2017 | 12/14/2017 |
| Date/Time CV Reported | | CV Reported At: | How CV Reported: | | Date/Time | Rece | eived at CCI | RB |
| Tue, 06/14/2016 5:17 PM | | CCRB | Phone | | Tue, 06/14 | /201 | 6 5:17 PM | |
| Complainant/Victim | Туре | Home Addre | ess | | | | | |
| | | | | | | | | |
| Subject Officer(s) | Shield | TaxID | Command | | | | | |
| 1. POM Anthony Jones | 17923 | 944684 | 110 PCT | | | | | |
| 2. POM Michael Carrieri | 31971 | 930412 | 110 PCT | | | | | |
| 3. POM Zul Chowdhury | 01371 | 948780 | 110 PCT | | | | | |
| Officer(s) | Allegati | on | | | Inve | stiga | ator Recon | nmendation |
| A.POM Anthony Jones | Discourtesy: Police Officer Anthony Jones spoke discourteously to \$87(2)(6) | | | | | | | |
| B.POM Anthony Jones | | esy: Police Officer Antheously to \$87(2)(b) | | | | | | |
| C.POM Anthony Jones | | Police Officer Anthony J h the use of force. | ones threatened § 87(2) | (b) | | | | |
| D.POM Michael Carrieri | | Police Officer Michael C h the use of force. | arrieri threatened § 87 | (2)(b) | | | | |
| § 87(4-b), § 87(2)(g) | | | | | | | | |
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Case Summary



S7(2)(b) and S7(2)(b) PO Jones allegedly said to S7(2)(b) "You're a fucking snitch" (Allegation A). PO Jones then allegedly told S7(2)(b) up" (Allegations B and C). PO Carrieri allegedly added that if S7(2)(c) were to lift his hands, the officers would have authority to use force against him (Allegation D). PO Jones repeated that he was going to "fuck S7(2)(b) up" (also Allegations B and C). PO Carrieri, meanwhile, told S7(2)(c) again to raise his hands (also Allegation D). PO Jones then said that he was not going to lose his job for a "fucking little kid" (also Allegation A).

While PO Jones and PO Carrieri spoke to station whose voice he recognized from a previous encounter at the 110th Precinct stationhouse – say, "Get off the fucking phone" (also **Allegation A**) and, "I'm gonna fuck you up Brooklyn style" (also **Allegations B** and **C**). The phone call was terminated shortly afterward.

walked away from the officers to the opposite side of the street, where he recorded a brief video of the officers speaking with street, where he recorded a brief video of the officers speaking with street, where he recorded a brief video of the officers speaking with street, where he recorded a brief video of the officers speaking with street, where he recorded a brief video of the officers speaking with street, where he recorded a brief video of the officers speaking with street, where he recorded a brief video of the officers speaking with street, where he recorded a brief video of the officers speaking with street, where he recorded a brief video of the officers speaking with street, where he recorded a brief video of the officers speaking with street, where he recorded a brief video of the officers speaking with street, where he recorded a brief video of the officers speaking with street, where he recorded a brief video of the officers speaking with street, where he recorded a brief video of the officers subsequently departed from the scene. They did not make any arrest or issue any summons.

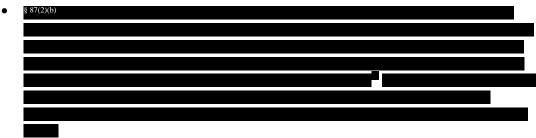
Mediation, Civil and Criminal Histories

• This case was deemed unsuitable for mediation because of an IAB referral regarding and and second and second

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- On September 23, 2016 the Office of the Comptroller informed the undersigned that no notice of claim has been filed in regards to this incident.
- \$87(2) has never been convicted of a crime.

Civilian and Officer CCRB Histories



- PO Jones, who has been a member of the NYPD for nine years, has been a subject in one other CCRB case: #201606271, which is currently open. PO Jones' CCRB history does not reveal any relevant pattern.
- PO Carrieri, who has been a member of the NYPD for thirteen years, has been a subject in six other CCRB cases. In CCRB case #201501713 it was alleged that PO Carrieri searched a vehicle, and that allegation was substantiated. As noted above, PO Carrieri is a subject in CCRB Case #201604752, which also involves [37] and is currently open. PO Carrieri's CCRB history does not otherwise reveal any relevant pattern.

Potential Issues

\$87(2)(b) provided contact information when \$87(2) and \$87(2)(b) initially filed the complaint via telephone. On June 15, 2016, the undersigned reached \$87(2)(b) phone. He confirmed his contact information and provided a phone statement (Board Review 02) but was unable to schedule an interview appointment. Subsequently, the undersigned provided with contact information via email. On June 20, 2016, the undersigned reached \$ \$87(2)(b) by telephone; \$ \$87(2)(b) terminated the call. The same day, a voicemail message was left. Also on June 20, 2016, a letter and an email were sent. On June 22, 2016, the undersigned attempted to contact \$ \$87(2)(b) phone. See Ronnie \$87(2)(b) see \$87(2)(b) see shorther, answered and stated that \$ was unavailable. On June 24, 2016, the undersigned attempted to contact by phone, but there was no answer and the voicemail box was full; an SMS notification was sent. On June 27, 2016, the undersigned attempted to contact by phone and left a voicemail message. A second letter and a second email were sent on June 27, 2016. BADS, CTS, and Cole's Directory searches performed June 27, 2016 confirmed see s87(2)(b) 's mailing address. Additionally, the CTS search provided two new phone numbers. On June 27, 2016 the undersigned reached Cindy Saldana, an acquaintance of \$87(2)(b) 's, at one of these two numbers. Saldana provided 's girlfriend. On June 27, 2016 contact information and stated she would provide with a message from the

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undersigned. On June 29, 2016, the undersigned again attempted to contact by telephone; the voicemail box was full and an SMS notification was sent. On June 29, 2016 the undersigned again reached who stated that she had provided with a message from the undersigned investigator. Sandhop stated that she would again provide with a message from the undersigned investigator's email. She stated that she would again provide sand with a message from the undersigned. On July 1, 2016 a third letter and email were sent to sandhop stated that she would had received the undersigned with a message from the undersigned. On July 1, 2016 a third letter and email were sent to sandhop stated that she would has not contacted the undersigned, and therefore the investigation was unable to obtain a verified statement from him.

On June 15, 2016 the undersigned reached statement (Board Review 03). However, statement (Board Review 03). Therefore, the investigation was unable to obtain a verified statement from statement sta

Findings and Recommendations

Allegations not pleaded

- \$\frac{\\$ \\$7(2)(b)}{\\$ \}\$ alleged that an officer threatened to issue him a summons. However, because \$\frac{\\$ \\$7(2)(b)}{\\$ \}\$ did not provide a verified statement (as detailed above in *Potential Issues*), and because \$\frac{\\$ \\$7(2)(b)}{\\$ \}\$ who provided a verified statement, did not make any such allegation, no allegation is pleaded in regards.
- and that an officer threatened to issue a summons to street above in *Potential Issues*), and because street who provided a verified statement, did not make any such allegations, no allegations are pleaded in regards.
- PO Jones (Board Review 04), PO Carrieri (Board Review 05), and PO Chowdhury (Board Review 06) each stated that they initially approached \$\frac{1}{270}\$ \$\frac{87(2)(b)}{270}\$'s vehicle because it was parked facing in the wrong direction and then when \$\frac{87(2)(b)}{270}\$ \$\frac{87(2)(b)}{270}\$ identified himself as the driver, they stopped him in order to confirm his ownership of the vehicle. However, neither \$\frac{87(2)(b)}{270}\$ who provided a verified statement, nor \$\frac{87(2)(b)}{270}\$ who did not, made any such allegation. Therefore, no allegation is pleaded in regards.

Allegation A—Discourtesy: Police Officer Anthony Jones spoke discourteously to \$87(2)(b)

Allegation B—Discourtesy: Police Officer Anthony Jones spoke discourteously to \$87(2)(b)

**S7(2)(b)

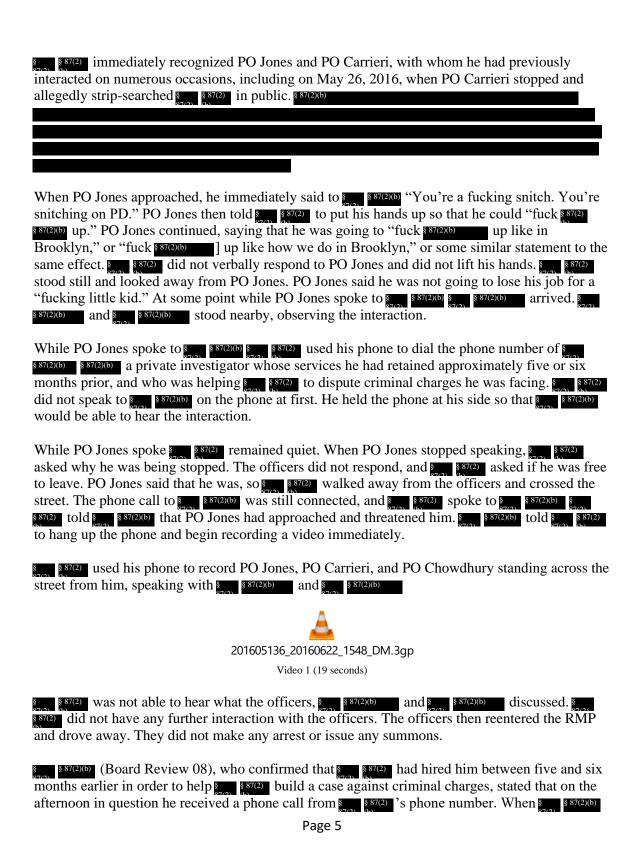
Allegation C—Abuse of Authority: Police Officer Anthony Jones threatened \$87(2)(b)

**S7(2)(c)

**With the use of force.*

**S7(2)(c)

**Contraction of the property o



what was taking place, and staking place, and staki

to stay calm, walk across the street, and attempt to film the officers. The phone call was then terminated. The entire phone call lasted approximately twenty seconds.

stated that when the officers approached, PO Jones told \$\frac{87(2)}{100}\$ to put up his hands because PO Jones wanted to fight him. PO Jones said that he would put his badge down so that he and \$\frac{87(2)}{100}\$ could fight. PO Jones also called \$\frac{87(2)}{100}\$ a snitch. \$\frac{87(2)}{100}\$ stated that an officer told \$\frac{87(2)}{100}\$ to put his hands up in order to fight, said that if \$\frac{87(2)}{100}\$ put his hands up the officers would be allowed to fight him, and said that he would take his badge off in order to fight \$\frac{87(2)}{100}\$

PO Jones stated that after he and his partners collectively observed a vehicle parked facing the wrong way, against traffic, on Denman Street, the officers approached in order to make sure no other criminal activity was taking place. An unidentified male was standing on the sidewalk leaning into the vehicle, and PO Jones could not see who this male was. As the officers approached, the male removed his head from inside of the vehicle, revealing himself to be \$\frac{87(2)(b)}{87(2)(b)}\$

As noted above, PO Jones was previously familiar with [30] [87(2)] from several previous arrests and because he knew [30] [87(2)] to be a member of Always Banging Kings, a gang active in the 110th Precinct. Additionally, in May of 2016, [30] [87(2)] alleged that PO Carrieri pulled down his pants in public, when PO Jones and his sergeant were present. [87(2)]

PO Jones was on vacation from June 7, 2016 until June 11, 2016, and was again RDO on June 12 and 13, 2016. As such, he was not working when this new story was published, on June 8, 2016. PO Jones learned about the news story at some point on June 14, 2016, but he did was not certain whether he learned about it before or after this incident.

As soon as save the officers he began to yell that they were harassing him. PO Jones asked save if the vehicle in question was his and he said that it was not. PO Jones said, "Then we're not talking to you." Another male then approached from nearby. PO Jones had seen this individual before but he did not know the individual's name. Additionally, there may have been a third individual with the second individual, but PO Jones was not certain. When the second individual approached, save told him to record a video, but the individual declined to do so. This second individual identified himself as the owner of the vehicle. save then interjected, claiming that the officers were harassing him. save also said that he was going to sue the officers, win a large sum of money, and "have" the job of PO Sanchez (another member of the 110th Anti-Crime team with whom save had previously interacted, but who was not involved in the May 26, 2016 incident). PO Jones did not remember if save made any specific reference to the May 2016 incident or to the news story regarding that incident.

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might have made reference to that incident or the news story but PO Jones was not certain.

***TO** was speaking angrily to the officers, but PO Jones did not recall if ***STO** ever made any physical threats toward any officers. PO Jones asked ***STO** rhetorically, "Is this your car?" and then told ***STO** that no one was speaking to him. He said to ***STO** "Get out of my face." PO Jones told ***STO** to leave because ***STO** was not stopped and could have departed at any point. PO Jones did not remember if ***STO** made a phone call before this point of the interaction. ***STO** then walked away across the street. When ***STO** went across the street he held up his cell phone as if he was recording the officers, and then he appeared to make a phone call. PO Jones did not hear what ***STO** said on the phone.

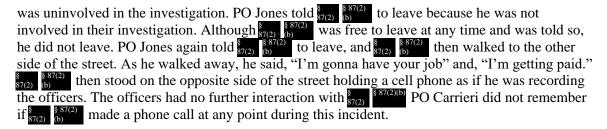
PO Jones then continued speaking with the vehicle's owner about the vehicle. The owner provided his license and registration and PO Jones confirmed that the vehicle was registered in his name. PO Jones returned the owner's documents and warned and admonished the driver but did not issue any summons. PO Jones, PO Carrieri, and PO Chowdhury reentered the RMP and then departed from the scene.

According to PO Jones, he did not say to \$87(2) "You're a fucking snitch" and did not tell \$100 he was a "snitch" at any point. PO Jones did not know if he told \$100 to put his hands up to fight or if he made any similar statement. PO Jones was not sure if he referred to \$100 as a "fucking little kid." PO Jones did not say to \$100 (Get off the fucking phone." PO Jones did not know if he used profanity toward \$100 (S00) but believed that it was possible. According to PO Jones, he "probably" told \$100 (S00) that he would "fuck \$100 (S00) up," because \$100 (S00) was threatening him and because he had told \$100 (S00) to leave. However, PO Jones was not certain that he said this.

PO Carrieri confirmed that the officers collectively observed a vehicle parked facing the wrong way, into oncoming traffic, on the officers exited the RMP and approached the vehicle. As they approached the vehicle, an individual approached them. PO Carrieri did not remember if this individual was alone or with anyone else. The individual said that he was the owner of the vehicle. PO Carrieri did not remember this individual's name, although he had seen him before. PO Jones spoke with the vehicle's owner about the vehicle, but PO Carrieri did not recall specifically what they each said. PO Carrieri believed that PO Jones asked the owner of the vehicle for documentation demonstrating his ownership of the vehicle.

known criminal, and had been arrested many times for drug-, weapon-, and burglary-related crimes. PO Carrieri and other members of the 110th Precinct Anti-Crime team had previously arrested \$87(2)\$ Additionally, \$87(2)\$ had previously alleged that on May 26, 2016 PO Carrieri pulled down \$87(2)\$ had been featured in a local news story, in which he alleged that PO Carrieri strip-searched him in public. After learning about the news story, PO Carrieri spoke with other officers about the news story, but did not know specifically if he discussed it with PO Jones. PO Carrieri did not know when or if PO Jones learned about the news story.

When sproached, he immediately protested the officers' presence and the stop they were conducting. PO Carrieri believed that because was not the owner of the vehicle he



PO Carrieri did not remember if \$\frac{1}{57(2)}\$ discussed the May 26, 2016 incident with any of the officers, but when \$\frac{1}{57(2)}\$ said he would have the officers' jobs and make money, PO Carrieri assumed that \$\frac{1}{57(2)}\$ was referring to the May 26, 2016 incident and was implying that he planned to sue the officers.

Eventually PO Jones obtained the vehicle owner's paperwork and was satisfied that the vehicle was not stolen. After the investigation was complete, the officers returned to the RMP and departed.

PO Carrieri did not recall PO Jones saying to \$\frac{87(2)}{5(0)}\$ "You're a fucking snitch" or calling \$\frac{87(2)}{5(0)}\$ a "snitch" at any point. PO Carrieri did not recall PO Jones saying that he would "fuck \$\frac{87(2)}{5(0)}\$ up." PO Carrieri did not recall PO Jones telling \$\frac{87(2)}{5(0)}\$ to put his hands up to fight. PO Carrieri did not recall PO Jones saying that he was not going to lose his job for a "fucking little kid" or ever referring to \$\frac{87(2)}{5(2)}\$ as a "little kid." He did not recall PO Jones telling \$\frac{87(2)}{5(2)}\$ to "Get off the fucking phone." PO Carrieri did not recall PO Jones using any profanity toward \$\frac{87(2)}{5(2)}\$ or ever threatening \$\frac{87(2)}{5(2)}\$ with the use of force, either verbally or physically.

PO Chowdhury stated that when he, PO Carrieri and PO Jones approached (\$7(2)) \$87(2)(b) 's vehicle, there was an unidentified individual leaning into the vehicle. When the officers neared the vehicle the individual stepped away from it, revealing himself to be \$7(2) \$87(2)(b) Prior to this incident, PO Chowdhury was familiar with \$7(2) \$87(2) but he did not recall specifically what sorts of interactions he had had with \$7(2) \$87(2) PO Chowdhury's fellow officers may have arrested \$7(2) \$7(2) prior to this incident but PO Chowdhury was not certain. PO Chowdhury was not aware that in public. PO Chowdhury also was not aware that prior to this incident, \$7(2) \$87(2) but he did not recall specifically what sorts of interactions he had had with \$7(2) \$87(2) PO Chowdhury's fellow officers may have arrested \$7(2) \$87(2) but he did not recall specifically what sorts of interactions he had had with \$7(2) \$87(2) PO Chowdhury was not aware that prior to this incident, \$7(2) \$87(2) but he did not recall specifically what sorts of interactions he had had with \$7(2) \$87(2) PO Chowdhury was not aware that prior to this incident, \$7(2) but he did not recall specifically what sorts of interactions he had had with \$7(2) \$87(2) PO Chowdhury was not aware that \$7(2) \$87(2) but he did not recall specifically what sorts of interactions he had had with \$7(2) \$87(2) PO Chowdhury was not certain. PO Chowdhury was not aware that prior to this incident, \$7(2) \$87(2) but he did not recall specifically what sorts of interactions he had had with \$7(2) \$87(2) PO Chowdhury was not aware that \$7(2) \$87(2) but he did not recall specifically what sorts of interactions he had had with \$7(2) \$87(2) but he did not recall specifically what sorts of interactions he had had with \$7(2) \$87(2) but he did not recall specifically what sorts of interactions he had had with \$7(2) \$87(2) but he did not recall specifically what sorts of interactions he had had with \$7(2) \$87(2) but he did not recall specifically what sorts of interactions he had had with \$7(2)

PO Jones asked \$\frac{87(2)}{60} \text{ if the vehicle was his. }\frac{87(2)}{60} \text{ said that it was not and that it belonged to his friend. A second male, whom PO Chowdhury could not name, then approached and said that the vehicle was his. PO Jones asked this individual for his license and registration, which the individual provided. PO Jones looked at the documents and matched the name on license to that on the registration, thus clarifying that there was no issue regarding the ownership of the vehicle. At some point during this interaction \$\frac{87(2)}{60}\$ told the vehicle's owner to record the officers, but the owner declined to do so. \$\frac{87(2)}{60}\$ asked if he was free to leave, and PO Jones said that he was. \$\frac{87(2)}{60}\$ then told PO Jones that he was going to make money off of PO Jones. PO Chowdhury did not know exactly what \$\frac{87(2)}{60}\$ meant by this. After being told he was free to leave, \$\frac{87(2)}{60}\$ walked away. As he did so, he appeared to film the officers with a cell phone. PO

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Chowdhury did not know if \$372 ever made a phone call during incident. PO Chowdhury did not recall \$372 threatening any officer's job.

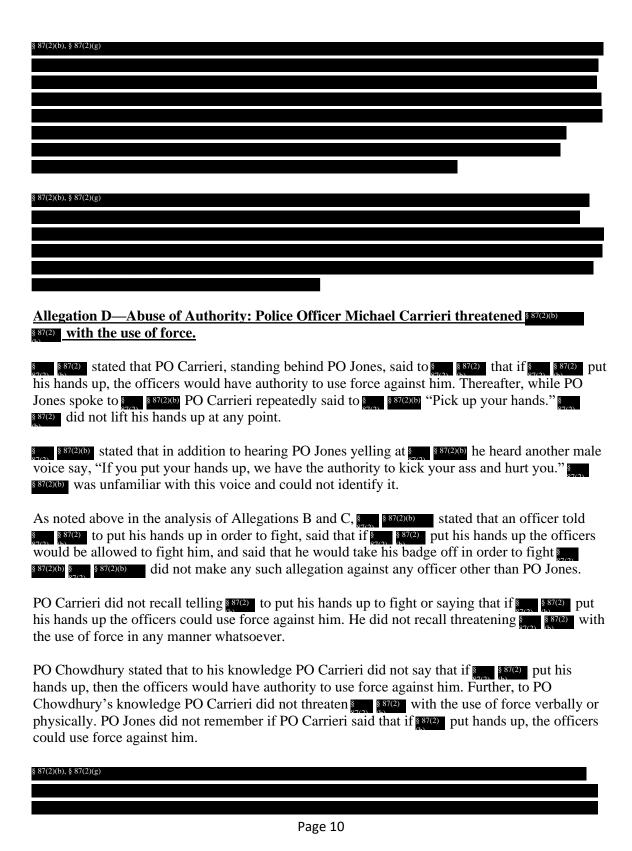
PO Jones warned and admonished the vehicle's owner, and the officers exercised their discretion not to issue him any summons. The officers returned to their RMP and departed from the location. The officers had no further interaction with state after their investigation regarding the ownership of the vehicle was complete. The entire interaction lasted approximately four minutes.

According to PO Chowdhury, there was no argument between PO Jones and \$\frac{87(2)6}{200}\$ PO Chowdhury did not recall PO Jones ever being visibly upset with \$\frac{87(2)6}{200}\$ PO Chowdhury did not recall PO Jones ever saying, "You're a fucking snitch" or calling \$\frac{87(2)6}{200}\$ a "snitch." To PO Chowdhury's knowledge PO Jones did not tell \$\frac{87(2)}{200}\$ to put his hands up to fight, say he was going to "fuck \$\frac{87(2)(6)}{200}\$ up," and did not say, "Get off the fucking phone." To PO Chowdhury's knowledge PO Jones never said he would not lose his job for a "fucking little kid." To PO Chowdhury's knowledge PO Jones never used any profanity toward \$\frac{87(2)}{200}\$ whatsoever or threatened \$\frac{87(2)}{200}\$ with the use of force, either verbally or physically.

NYPD Patrol Guide Procedure 203-09 requires that officers be courteous and respectful to civilians (Board Review 09). Further, according to Police Department v. Briscoe (September 2000) (Board Review 10), an officer may not threaten a civilian with the use of force solely in order to intimidate and without any legitimate police purpose.

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